

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS

No. 07-347V

Filed: January 19, 2010

FRED R. VENERIN, *
*
Petitioner, * Stipulation; Attorney's fees and costs
*
v. *
*
SECRETARY OF THE DEPARTMENT *
OF HEALTH AND HUMAN SERVICES, *
*
Respondent. *

DECISION¹

GOLKIEWICZ, Chief Special Master.

On January 8, 2010, the parties to the above-captioned case filed an agreement as to the appropriate amount of attorney's fees and costs in this case. See Stipulation for Fees, filed January 8, 2010. A Decision on a stipulation agreement regarding entitlement was issued on November 11, 2009. Subsequently, on January 4, 2010, petitioner filed an application for attorney's fees and costs, totaling \$33,464.23. Through informal discussions, respondent raised objections to certain items in petitioner's initial application. Petitioner responded by amending his request to \$31,964.23. Petitioner filed a statement in compliance to General Order #9 that petitioner himself did not incur costs in the pursuit of this claim. See Petitioner's Application for Fees and Costs, Exhibit 7.

After reviewing the initial request and the subsequent stipulation, the court awards **\$31,964.23** for attorney's fees and other litigation costs in the form of a check payable jointly to petitioner and

¹ The undersigned intends to post this decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, the entire decision will be available to the public. Id.

petitioner's counsel, Thomas P. Gallagher.

The Clerk of the Court is directed to enter judgment accordingly.²

IT IS SO ORDERED.³

s/ Gary J. Golkiewicz
Gary J. Golkiewicz
Chief Special Master

² Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.

³ This amount is intended to cover all legal expenses. This award encompasses all charges by the attorney against a client, "advanced costs" as well as fees for legal services rendered. Furthermore, 42 U.S.C.A. §300aa-15(e)(3) prevents an attorney from charging or collecting fees (including costs) which would be in addition to the amount awarded herein. See generally, Beck v. Secretary of HHS, 924 F.2d 1029 (Fed. Cir. 1991).